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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Revised estimates arising in respect of Security Council resolution 1431 (2002) on the establishment of ad litem judges in the International Tribunal for Rwanda

Report of the Secretary-General*

Summary

The Security Council, by its resolution 1431 (2002) of 24 August 2002, decided to establish a pool of ad litem judges in the International Tribunal for Rwanda. The present report contains the resource requirements for 2003 for the use of a maximum of four ad litem judges in the International Tribunal for Rwanda. The estimated additional requirements would amount to $5,060,100 gross ($4,605,400 net) with an additional 46 temporary posts, bringing the total resource requirements of the Tribunal for the biennium 2002-2003 to $204,365,100 gross ($183,224,000 net). The General Assembly is requested to appropriate an amount of $5,060,100 gross ($4,605,400 net) for the resources required by the International Tribunal for Rwanda for ad litem judges.

* The delayed submission of the present report is due to the extensive consultations required for its finalization.

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I. Introduction

1. The General Assembly, in its resolution 56/248 B of 27 March 2002, decided on an appropriation for the Special Account for the International Tribunal for Rwanda of a total amount of $197,127,300 gross ($177,739,400 net) for the biennium 2002-2003. In his report to the General Assembly on the financing of the Tribunal for the biennium 2002-2003 (A/56/497), the Secretary-General indicated that the use of ad litem judges to dispose of the Tribunal's caseload was to be the subject of a separate request to the Security Council and the General Assembly.

2. On 14 August 2002, the Security Council, in its resolution 1431 (2002), decided to establish a pool of ad litem judges in the International Tribunal for Rwanda.

3. It is proposed that a maximum of four ad litem judges will form part of the Chambers at any one time. Each Trial Chamber to which ad litem judges are assigned may be divided into sections of three judges each, composed of both permanent and ad litem judges. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the present Statute and shall render judgement in accordance with the same rules.

4. With regard to the court capacity, it is envisaged that one Trial Chamber will be composed of two sections, working in shifts. The exact manner in which the shift schedule will operate depends on the progress of the respective trials and the availability of the parties. Under the present system, the three Chambers hold morning sessions from 9 a.m. to 1 p.m., with a break, and afternoon sessions from 3 to 6 p.m. All Chambers hold trials from Monday to Thursday, but generally, with the exception of Trial Chamber I, not on Fridays, depending on circumstances. The efficiency of judicial activities are measured not only by the time spent in the court room but also by the time spent in deliberating on motions, both in ongoing trials and at the pre-trial stage, and in performing other judicial functions, such as confirmation of indictments, initial appearances, pre-trial hearings, the writing of judgements and numerous administrative matters. With the introduction of ad litem judges, it is proposed that one Trial Chamber section will hold morning sessions for five hours each day, from 8.30 a.m. to 1.30 p.m. The other section will sit for 5 hours in the afternoon, from 2.30 to 7.30 or 8 p.m., Monday to Thursday. One or two sections will also be held on Fridays. The judges will have time outside court hours each day to attend to the Chamber duties that they presently attend to on Fridays.

5. The three Trial Chambers, which are currently engaged in trials of 9 cases, involving 22 accused, are now working at maximum capacity.

6. With regard to the Tribunal caseload, the Prosecutor has provided a revised future investigation programme, which has made it possible to predict more realistically the timing for the completion of the Tribunal's mandate.

7. Twenty-nine accused persons, involved in 21 cases, are currently awaiting the commencement of their trials. The Prosecutor is ready to proceed to trial in 7 cases involving 13 accused persons as soon as the ad litem judges and those who will succeed the outgoing judges arrive in Arusha. She has also indicated there are 10 ongoing investigations and plans to investigate a further 14 new cases. It is expected that the investigations in these 24 cases will be completed by 2004.

8. The introduction of ad litem judges, which will assist in disposing of the pending caseload of the Chambers, will require additional resources in terms of staffing and related costs. The additional resources related to the four additional ad litem judges, inclusive of 46 new support staff, supplies, equipment and services, would amount to $5,060,100 gross ($4,969,000 net). The proposed budget for the Tribunal for the biennium 2004-2005 would continue the additional 46 posts on a full cost basis, for which continuing resources of $9,566,700 would be required.

II. Resource requirements

9. The estimated resource requirements would be as follows (in thousands of United States dollars):

Table 1
Summary of resource requirements, by object of expenditure

Object of expenditure	*2002-2003 appropriation*	*First performance report estimate*	*Resource growth*	*Percentage*	*2002-2003 estimates*
Posts	120 822.6	122 036.6	2 717.8	2.2	124 754.4
Other staff costs	4 736.2	4 336.0	107.5	2.5	4 443.5
Salaries and allowances of judges	3 989.9	3 953.7	561.9	14.2	4 515.6
Consultants and experts	762.7	698.5	90.3	12.9	788.8
Travel	5 826.9	5 826.9	38.8	0.7	5 865.7
Contractual services	18 137.7	20 295.9	476.1	2.3	20 772.0
General operating expenses	13 299.3	12 167.1	187.5	1.5	12 354.6
Hospitality	7.1	6.5	-		6.5
Supplies and materials	3 375.5	3 088.1	58.9	1.9	3 147.0
Furniture and equipment	5 235.4	4 794.5	348.4	7.3	5 142.9
Improvement of premises	574.1	525.2	18.2	3.5	543.4
Grants and contributions	972.0	889.6	-		889.6
Staff assessment	19 387.9	20 686.4	454.7	2.2	21 141.1
Total (gross)	**197 127.3**	**199 305.0**	**5 060.1**	**2.5**	**204 365.1**
Staff assessment	19 387.9	20 686.4	454.7	2.2	21 141.1
Total (net)	**177 739.4**	**178 618.6**	**4 605.4**	**2.8**	**183 224.0**

Table 2
Summary of post requirements

	2002-2003	*Additional post requirements*	*2002-2003 total*	*Change*
Professional category and above				
USG	-	-	-	-
ASG	1	-	1	-
D-2	1	-	1	-
D-1	4	-	4	-
P-5	28	1	29	1
P-4	75	6	81	6
P-3	147	6	153	6
P-2/1	108	4	112	4
Subtotal	**364**	**17**	**381**	**17**
General Service and related categories				
Principal level	7	-	7	-
Other level	170	10	180	10
Security	87	-	87	-
Local level	297	19	316	19
Field Service	24	-	24	-
Subtotal	**585**	**29**	**614**	**29**
Total	**949**	**46**	**995**	**46**

10. Details and justification for the new proposed posts are set out below.

A. Office of the Prosecutor

11. **Trial Section** (*1 P-5, 2 P-4, 1 P-3, 1 P-2, 1 General Service (Other level); 1 P-5 Senior Trial Attorney; 1 P-4 Trial Attorney; 1 P-4 Legal Adviser; 1 P-3 Assistant Trial Attorney; 1 P-2 Case Manager; 1 General Service (Local level) Data Entry Clerk*): the new Trial Team required by the Office of the Prosecutor will be used to ready additional cases for trial. Formerly, those cases would have been prepared by existing trial teams. However, with the arrival of the ad litem judges, existing trial teams will be required to prosecute cases brought before the new sub-chamber and, in all likelihood, will be handling second trials already under way. The additional trial team will ensure that the Office of the Prosecutor is ready with new cases when one trial ends and another is scheduled to begin. The additional data entry clerk will be used to update the database systems of the Office as new trials are beginning and more are being prepared.

B. The Registry

12. **Court Management Section** (*7 General Service (Other level) posts: 6 Court Reporters and 1 Trim Assistant*): at present, due to the shortage of staff, Tribunals transcripts are only made available 48 hours after the holding of a hearing, instead the 24 hours required. The situation has deteriorated, and there is now a negative balance of Court Reporters per chamber. For this reason, with the advent of the ad litem judges, a consistent number of Court Reporters per pool per chamber must be maintained. The availability of transcripts is crucial to the smooth functioning of the judicial proceedings of the Tribunal. Without this minimum number of staff, the production of transcripts will be delayed and other judicial procedures of the Tribunal adversely affected.

13. The process of filing judicial documents includes the digitization into the TRIM record-keeping system. The entry of data into the system is critical and needs to be accurate to best serve the requirements of access and retrieval of the judicial documents. Given the anticipated increase of work with the arrival of the ad litem judges and an additional section within one of the trial chambers coming into operation, the quality assurance functions within TRIM are more critical.

14. **Chambers Support Section** (*1 P-3 and 3 P-2 posts: 1 Coordinator and 3 Associate Legal Officers*): the requirement for 1 P-3 Chamber Coordinator and 3 P-2 Associate Legal Officers is to meet the needs of a new section. The ad litem judges will require the same assistance given the permanent judges. The Associate Legal Officers will assist the judges in dealing with research on the jurisprudence of the Tribunal and more general international legal issues arising in their day-to-day work. The Officers will provide successive drafts of decisions under the instruction of the judges. The Officers will rotate their court attendance so that they are available to provide immediate advice to the ad litem judges during trials. The Chamber Coordinator will perform the equivalent function of the present Chamber Coordinators in relation to the new Chamber. He/she will coordinate the work and sittings of the other officers under the direction of the presiding judge, and liaise with the Registry staff on the calendar and the day-to-day requirements regarding documentation, translation and the external needs of the judges.

15. **Security Section** (*9 new General Service (Local level) posts and 1 redeployed General Service (Local level) post from Kigali to Arusha: 5 security escorts/custodians and 4 close security officers, 1 redeployed security officer from Kigali to Arusha*): the current proposal for the section is to have a sitting from 3 to 8 p.m. During the trial, the detainees for the case are present in the courtroom. The security officers for escorts/custodians are required to escort the detainees from the Detention Facility to the Tribunal facility as well as to return them to the Detention Facility. They are also required to provide security for the courtroom and its immediate area during the course of a trial. The current number of escorts/security officers is insufficient to provide this service without overtime and compensatory time off. Close protection officers will provide the same functions as those now provided by the close protection officers assigned to the permanent judges. This section has staffing only for the current number of judges and, therefore, an increase in the number of close protection officers is required.

16. **Audio-Visual Support** (*2 General Service (Local level) posts: 1 Video Operator and 1 Courtroom Clerk*): the three chambers are provided with audio-

visual facilities. There is a requirement to provide audio-visual support to the new section, which will be working beyond the normal working hours of the Tribunal. The additional posts requested represent the minimum staff required to provide technical assistance to the chamber and to operate the audio-visual equipment.

17. **Personnel Section** (*1 General Service (Local level) Personnel Assistant*): the Personnel Assistant will be responsible for: liaison with the classification officer and, in consultation with the recruitment unit, updating the Galaxy-based generic job profile module with the classified standard job descriptions; processing and retrieving data relating to queries on pre-approved evaluation criteria; preparation of vacancy announcements; initiation of travel arrangements for dependants after the entry on duty of the staff member; preparation of assignment grants and extension of contracts; establishment and discontinuance of dependency of family members; and any other ad hoc assignment or request of the chief of section.

18. **Finance Section** (*1 General Service (Other level) Finance Assistant*): the need for a Finance Assistant is imperative, in view of the complexity and time consuming review required to process the increased flow of payments for defence teams, as well as the increasing volume of other administrative claims generated by the increase in staff and resources at the Tribunal. To date, the Tribunal has in its custody 55 detainees, most of whom have been assigned defence counsel. At present, there are 320 defence team members, most of whom are paid on monthly basis for fees, travel and other related expenses. Travel advances are also paid on regular basis to defence team members travelling for investigations in Africa, Europe and North America and to attend trials in Arusha. Currently, the Finance Section, with only one staff member assigned full time to this task, is overwhelmed by the number of claims received on a daily basis. In some instances, the settlement of claims has been delayed to the extent that the defence teams have been unable to finance their own activities. These delays have affected the pace of the trial proceedings.

19. **Language Services Section** (*4 P-4 posts, 4 P-3 posts and 1 General Service (Other level) post: 2 P-4 Interpreters; 1 P-4 Reviser (E/F); 1 P-4 Reviser (Kinyarwanda); 2 P-3 Interpreters (E/F); 2 P-3 Interpreters (Kinyarwanda); 1 General Service (Other level) Reference Assistant*): the English/French and Kinyarwanda Reviser posts are needed to meet the recommended guideline of 2.5 to 3 translators per reviser. It is expected that the two revisers to be recruited on these posts will be assigned to revise translations completed, inter alia, by the six translators/interpreters that will encumber the above-mentioned translators/interpreter posts, and to carry out translation assignments as required. The requirement of the six interpreter/translator posts are to fully service the hearings of the proposed new section. Two P-4 Interpreter posts are required in order to meet the ideal ratio between senior interpreters and interpreters, which is about one to three. These senior interpreters are expected to provide guidance and direct supervision to their junior colleagues in the booths. The General Service (Other level) Reference Assistant post is needed to meet the anticipated increase in workload that will be associated with the proceedings of the sub-chamber, especially in terms of reference materials to be used by the translators and interpreters in Language Services Section.

20. **Witness Victims Support Services** (*7 General Service (Local level) posts and 1 redeployed General Service (Local level) post from Kigali to Arusha): 4 General*

Service (Local level) Witness Support Assistants; 1 General Service (Local level) Security Officer (Prosecution); 1 General Service (Local level) security officer (Defence); 1 driver General Service (Local level) (Defence), 1 driver General Service (Local level) (Defence) to be redeployed from Kigali to Arusha: Witness Support Assistants are essential to the Tribunal for the welfare and care of witnesses, accompanying witnesses from the time they arrive in Arusha until they leave. The Assistants accompany witnesses to court, providing translation whenever needed, and are available whenever the Office of the Prosecutor or defence lawyers wish to speak to witnesses on weekends or outside court sessions. Witness Support Assistants sleep in safe houses each and every night they are occupied. The Tribunal currently has two safe houses each for the prosecution and defence. Currently, there are four Witness Support Assistants on general temporary assistance to meet the workload of cases before the chambers. Security officers, like Witness Support Assistants, are assigned to escort witnesses to and from the safe houses to court as well as to meet them when they arrive in Arusha. They accompany witnesses for medical appointments and assist with other duties. Owing to the amount of travel required when witnesses are in Arusha, providing transportation is a full-time duty. The addition of an additional driver post and the redeployment of one post currently in Kigali to Arusha will assist in fulfilling the requirements of the witnesses coming to the Tribunal for the defence. As long as one witness is in town, these support staff are required 24 hours a day, 7 days a week.

III. Conclusion

21. The additional requirements contained in the present report which arose from Security Council resolution 1431 (2002), would require an adjustment to the appropriation adopted by General Assembly in its resolution 56/248 B.

22. **Accordingly, on the basis of the proposals in the present report, it is estimated that additional resources in the amount of $5,060,100 gross ($4,605,400 net) will be required for the proposed use of ad litem judges in 2003. An additional amount of $454,700 would be required for staff assessment to be offset by income from staff assessment of the same amount. The total resource requirements for the biennium 2002-2003 would therefore amount to $204,365,100 gross ($183,224,000 net). The General Assembly is requested to appropriate the amount of $5,060,100 gross ($4,605,400 net) for the resources required for ad litem judges in the International Tribunal for Rwanda.**